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KARNATAKA LEGISLATIVE ASSEMBLY

NOTIFICATION

No 4103—L.A., Bangalore, dated 24th July 1975.

Under Rule 64 of the Rules of Procedure and Conduct of Business in the *Karnataka* Legislative Assembly, the Speaker has been pleased to order the publication in the *Karnataka Gazette* of **The Karnataka Municipalities (Postponement of Elections) Bill, 1975** together with the Statement of Objects and Reasons relating thereto and the Bill and the Statement of Objects and Reasons are accordingly published for general information.

THE KARNATAKA MUNICIPALITIES (POSTPONEMENT OF ELECTIONS) BILL, 1975.

(L. A. BILL No. 26)

A Bill to provide for the postponement of elections of Councillors to the Municipal Councils in the State of Karnataka.

Whereas the Proclamation of Emergency issued by the President of India on 26th June 1975 under Article 352 of the Constitution of India is in operation;

And Whereas during the present period of continuance of the Emergency, it is necessary to postpone the elections to Municipal Councils;

Be it enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows:

1. Short title and commencement.—(1) This Act may be called the Karnataka Municipalities (Postponement of Elections) Act, 1975.

(2) It shall be deemed to have come into force on the Tenth day of July, 1975.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'Act' means the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964);

(b) 'Proclamation of Emergency' means the Proclamation issued by the President of India on the 26th June, 1975 under clause (1) of Article 352 of the Constitution of India;

(c) the expression 'Municipal Council' shall have the meaning assigned to it in the Act.

3. Postponement of Elections.—(1) On the commencement of this Act and during the continuance of the operation of the Proclamation of Emergency, notwithstanding anything contained in the Act or the rules made thereunder or any judgment, decree or order of any court or other authority,—

(a) no general elections to or elections to fill any casual vacancy in any Municipal Council shall be held or if any such election is commenced but the poll has not taken place, the election shall not be completed;

(b) except where poll has taken place before the date of commencement of this Act, the term of office (including any extended term) of the members of any Municipal Council or of the Administrator appointed under the Act who were in office on the said date (and whose term or extended term will expire during the period of operation of the Proclamation of Emergency) shall be deemed to be extended upto and incusive of the last date on which the Proclamation of Emergency remains in operation:

Provided that after the expiry of the term of the said members or the Administrators as so extended by this section they shall continue in office until the first meeting of the reconstituted Municipal Council at which a quorum is present.

(2) Nothing in sub-section (1) shall preclude supersession of any Municipal Council in accordance with the provisions of the Act.

4. Power to appoint Administrators.—Notwithstanding anything contained in section 3 or in the Act, if at any time it appears to the State Government that a Municipal Council is by reason of absence of a quorum or for any other reason, unable to exercise the powers and perform and discharge the duties and functions conferred or imposed on it by or under the Act or any other law for the time being in force, the State Government may, by notification in the official Gazette appoint an Administrator who shall exercise all the powers and perform and discharge the

duties and functions of the Municipal Council for such period or periods not exceeding the periods mentioned in clause (b) of sub-section (1) of section 3 and until the first general meeting of the reconstituted Municipal Council at which a quorum is present.

5. Application of the Act.—Except as otherwise provided by or under this Act, the Act shall in all other aspects apply to the Municipal Council.

6. Repeal of the Karnataka Ordinance No. 8 of 1975.– The Karnataka Municipalities (Postponement of Elections) Ordinance, 1975 (Karnataka Ordinance No. 8 of 1975) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

Proclamation of Emergency issued by the President of India on 26th June 1975 is in operation. Elections to certain Municipal Councils were due. It was considered not desirable to hold elections. Hence the Karnataka Municipalities (Postponement of Elections) Ordinance, 1975 was issued. The Bill seeks to replace the Ordinance.

Explanatory Statement required under Rule 70 (1) of Rules of Procedure and Conduct of Business in the Karnataka Legislative Assembly.

Proclamation of Emergency issued by the President of India on 26th June 1975 is in operation. Elections to certain Municipal Councils were due. It was considered not desirable to hold elections. As the matter was urgent and the Legislature was not in session, the Karnataka Municipalities (Postponement of Elections) Ordinance, 1975 was promulgated.

D. K. NAIKAR.